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SUBSTITUTE for PTO/SB/05 (08/00) Utility Patent Application Transmittal
Approved for use through 10/31/2002 OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

02/08/02
JC961 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 18199CB
First Inventor or Application Identifier EL523909946US
Title Vascular Endothelial Cell Growth Factor II
Express Mail Label No. EL523909946US

JC978 U.S. PTO
10/07/1370
02/08/02

APPLICATION ELEMENTS <i>See MPEP chapter 600 concerning utility patent application contents.</i>		ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231	
1. <input checked="" type="checkbox"/> Fee Transmittal Form (Submit an original, and a duplicate for fee processing)		6. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)	
2. <input checked="" type="checkbox"/> Specification [Total Pages 47]		a. <input type="checkbox"/> Computer Readable Form	
3. <input checked="" type="checkbox"/> Drawing(s) (35 USC 113) [Total Sheets 34] [Total Pages 81]		b. <input type="checkbox"/> Paper Copy (identical to computer copy)	
		c. <input type="checkbox"/> Statements verifying identity of above copies	
4. Oath or Declaration		ACCOMPANYING APPLICATION PARTS	
a. <input type="checkbox"/> Newly executed (original or copy)		7. <input type="checkbox"/> Assignment papers (cover sheet & document(s))	
b. <input checked="" type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 14 completed)		8. <input type="checkbox"/> 37 CFR 3.73(b) Statement (when there is an assignee) <input checked="" type="checkbox"/> Power of Attorney	
i. <input type="checkbox"/> <u>DELETION OF INVENTOR(S)</u> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).		9. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 <input type="checkbox"/> Copies of IDS Citations	
5. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76		10. <input checked="" type="checkbox"/> Preliminary Amendment	
		11. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized)	
		12. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed)	
		13. <input checked="" type="checkbox"/> Other: Req to file Cont 37 CFR 1.53(b)	
14. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76: <input checked="" type="checkbox"/> Continuation <input type="checkbox"/> Divisional <input type="checkbox"/> Continuation-in-part (CIP) of prior application No. 09 / 326,879 Prior application information: Examiner Spector, L Group/Art Unit 1647 For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 4b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference.			
15. CORRESPONDENCE ADDRESS			
<input checked="" type="checkbox"/> Customer Number or Bar Code Label		Customer No. 000210 (Insert Customer No. or Attach bar code here)	
NAME	J. Mark Hand		
ADDRESS	Merck & Co., Inc., P. O. Box 2000 - Patent Dept., RY60-30		
CITY	Rahway	STATE	NJ
COUNTRY	USA	ZIP CODE	07065-0907
	TELEPHONE	FAX	732-594-3905 732-594-4720

Name	J. Mark Hand	Registration No. (Attorney/Agent)	36,545
Signature	<i>J. Mark Hand</i>	Date	2/8/2002

EXPRESS MAIL CERTIFICATE	
DATE OF DEPOSIT	February 8, 2002
EXPRESS MAIL NO.	EL523909946US
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO ASSISTANT COMMISSIONER FOR PATENTS, BOX PATENT APPLICATION, WASHINGTON, D.C. 20231.	
MAILED BY	<i>Christina Caffee</i>
DATE	2-8-02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
Washington, D.C. 20231

Prior Application:

Examiner	Spector, L.
Art Unit	1647

Sir: This is a request for filing a ☒ Continuation ☐ Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 09/326,879 filed on

6/7/1999 of Marvin L. Bayne, Gregory L. Conn, Kenneth A. Thomas, Jr.
(DATE) (INVENTOR)

for VASCULAR ENDOTHELIAL CELL GROWTH FACTOR II

(TITLE OF INVENTION)

- The enclosed comprises a copy of prior application Serial No. 08/229,185, as filed on 8/31/1994. The entire disclosure of this prior application is hereby incorporated by reference.
- The filing fee is calculated below:

CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
Total Claims	16	20	\$18	\$0
Independent Claims	4	3	\$84	\$84
*Multiple Dependent Claims			\$280	
Basic Fee (minimum amount required)				\$740
*Add this fee if application contains any multiple dependent claims, regardless of number.				\$824
				Total Fee

The Assistant Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.

- ☒ Amend the specification by inserting before the first line the sentence:
-- This is a ☒ continuation, ☐ division of application Serial No. 09/326,879 filed 6/7/1999: which is a divisional of application no. 09/038,199 filed 3/10/98 issued as U.S. Patent 6,180,107 which is a divisional of application 08/229,185 filed 8/31/94 issued as U.S. Patent 5,726,152 which is a continuation-in-part of application 08/000,834 filed 1/5/93, abandoned, which is a continuation of application 07/586,638 filed 9/21/90, abandoned.
- ☒ Cancel in this application original claims: 1-21 (see attached Prel. Amend)
- ☒ Preliminary amendment enclosed.
- ☐ Information Disclosure Statement/PTO-1449 enclosed.
- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- ☐ New formal drawings are enclosed.
- ☐ Priority of application Serial No. _____, filed _____, in _____ is claimed under 35 U.S.C. 119.
(COUNTRY)
- ☐ The certified copy of the priority application has been filed in prior application Serial No. _____, filed _____.
- ☒ The prior application is assigned to Merck & Co., Inc. Rahway, New Jersey 07065.
- ☒ The undersigned attorney or agent has:
 - ☐ Power in the prior application as originally filed.
 - ☒ Associate power, copy enclosed.

Respectfully,


By: J. Mark Hand

Attorney _____ for Applicant(s)

Registration No. 36,545

Telephone: (732) 594-3905

Address: Merck & Co., Inc.
Patent Department
P.O. Box 2000 - RY60-30
Rahway, N.J. 07065-0907

Date: February 8, 2002

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT February 8, 2002

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MAILED BY  DATE 2-8-02

IN DUPLICATE

Enclosure